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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL.

Notification No. 1922, *dated Camp Mysore, 2nd October* 1925.

Under Standing Order No. 49 of the Standing Orders for the conduct of business and procedure of the Legislative Council published in Notification No. P. 4349—Legis. 13-23-24, dated 5th February 1924, the accompanying Reports of the Select Committees appointed to consider the Bill to amend the Newspapers Regulation, 1908, and the Bill to amend the Press and Registration of Books Act, 1867, are published for information.

By Order,
R. RANGA RAO,
Secretary, Legislative Council.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL TO AMEND THE NEWSPAPERS REGULATION, 1908.

We the members of the Select Committee to which the above Bill was referred, have carefully considered the several clauses of the Bill and have the honour to submit the following report :—

Clause 4.—It is very desirable in our opinion to prescribe a time limit within which the Government may prohibit the editing, printing and publishing of a newspaper when the editor, printer or publisher of that paper is or has been convicted of offences punishable under Section 124 or 153 A of the Indian Penal Code.

As to the retention or otherwise of Section 500, Indian Penal Code, in Sub-clause (*b*) of Clause 4 of the Bill, there is difference of opinion. Messrs. M. Ramachandra Rao and C. Narasimhaiya are in favour of omitting the Section altogether or if the Section is to be

retained, of permitting the exercise of the power of prohibition by Government only on the conviction of the editor, printer, or publisher more than once under that Section. Rao Bahadur Mr. M. Shama Rao considers that there should be at least a single conviction for defamation before Government can exercise the powers of prohibition. All the other members who form the majority consider, however, that in the present state of the public press in Mysore the Government should have the power to deal with a paper indulging in habitual defamation whether there is a conviction or not, and that the sub-clause should stand as it is.

In accordance with the opinion of the majority we propose that the following clause be substituted for clause 4, *viz*:—

"4. (1) The Government may, by an order in writing, prohibit the printing, editing and publishing of any newspaper:—

(*a*) when the editor, printer or publisher of the newspaper is convicted of an offence punishable under Section 124A or 153A of the Indian Penal Code; or

(*b*) when a person who has been convicted of an offence punishable under either of the sections as aforesaid edits, prints or publishes the newspaper; or

(*c*) when the Government is satisfied that the newspaper habitually publishes matter punishable under Section 124 A or 153 A or Section 500 of the Indian Penal Code;

Provided that no such order shall be passed.—

(*i*) in cases falling under clause (*a*), after the expiry of one year from the date of conviction of such person;

(*ii*) in cases falling under sub-clause (*b*), after the expiry of one year from the date of the first publication of the newspaper after such person becomes the editor, printer or publisher thereof.

(2) No order under sub-section (1) shall be made unless the editor, printer or publisher has had an opportunity of being heard either in person or by pleader, by an officer authorised by Government in this behalf.

(3) The Government may at any time withdraw such order on such conditions as it may deem fit to impose."

Clause 7.—For the figure '4(*b*)' occurring in the clause substitute '4(*c*).' This is rendered necessary by the amendment of Clause 4. In the same clause for the work 'of' in line 4 substitute the words 'on which,' and after the word 'order' in the same line insert the words 'is communicated to him or served on him by post.'

Clause 8.—For figure '4(*b*)' in line 5 substitute '4(*c*)' and after the word 'of' in the same line insert the words 'prohibition or.'

Clause 10—Omit the word 'conveniently' in the first line. We do not think it necessary to re-publish the Bill with the amendments proposed by us for the reason that the only important amendment proposed consists of the replacing of the existing clause 4 by a new one which appears in full in the report itself, and that the other amendments are chiefly verbal and not of much importance.

(Sd.) K. R. SRINIVASA IYENGAR (Chairman).
" K. P. PUTTANNA CHETTY.
" M. SHAMA RAO.
" H. CHENNAIYA.
" SYLVESTER PAIS.
" MAHOMED ABBAS KHAN.
" C. NARASIMHAIYYA.
" K. MATTHAN.
" B. NAGAPPA.
" M. RAMACHANDRA RAO.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL TO AMEND THE PRESS AND REGISTRATION OF BOOKS ACT, 1867.

We the members of the Select Committee to which the above Bill was referred, have carefully considered the several clauses of the Bill and have the honour to submit the following report:—

The main changes that we propose refer to the definition of Magistrate as it exists in the Act and to the age limit prescribed in clause 2 (e) of the Bill for a declaration. The definition of Magistrate as given in the Act is not in general use and not easily understood, and requires in our opinion to be revised. The age limit now prescribed in the Bill will not be uniform in the case of all persons, but will vary according to the nationality of the

individual and will sometimes be so low as 15 or 16. Moreover the Indian Majority Act, 1875, is not in force in Mysore. We therefore propose to fix an age limit of 21 years, irrespective of the law to which any person is subject. The changes that we propose in the several clauses of the Bill are as follows :—

Clause 1. (*a*) for the words "In Section 1, after the definition of 'Magistrate' the following definition, namely:"

Substitute the following :—

"(*i*) In Section 1 for the definition of 'Magistrate' the following definition shall be substituted, namely :

'Magistrate' means a Magistrate of the 1st Class appointed under the Code of Criminal Procedure, 1904 ; and

(*ii*) the following definitions shall be inserted namely"

(*b*) Omit the words 'shall be inserted' at the end of the clause.

Clause 2. (1) In Sub-clause (*b*) substitute the word 'such' for 'each'.

(2) In Sub-clause (*e*) for the words 'attained majority.....of majority' substitute the words "completed 21 years of age".

We do not think it necessary to re-publish the Bill with the amendments proposed by us for the reason that they are mostly verbal and not of much importance.

(Sd). K. R. SRINIVASA IYENGAR (Chairman).
" K. P. PUTTANNA CHETTY.
" M. SHAMA RAO.
" H. CHENNAIYA.
" SYLVESTER PAIS.
" MAHOMED ABBAS KHAN.
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